



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

999 18<sup>TH</sup> STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

OCT 28 2005

Ref: 8ENF-W

CERTIFIED MAIL #7004 1350 0001 5668 3236  
RETURN RECEIPT REQUESTED

Greater Smoot Water and Sewer District  
c/o John Hunsaker, Board Chairman  
Box 76  
Smoot, WY 83126

Re: Administrative Order  
Docket No. SDWA-08-2006-0003  
PWS ID # WY5601397

Dear Mr. Hunsaker:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that Greater Smoot Water and Sewer District is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.21(a), 141.63(a)(2), 141.21(b)(5), 141.23(d), 141.201, 141.31(b), 141.21(g)(2), and 141.21(g)(1) for failure to monitor to total coliform bacteria; exceeding the total coliform bacteria maximum contaminant level; failure to collect a set of repeat samples after a total coliform positive result; failure to monitor nitrate; failure to notify the public of the violations; and failure to report violations to EPA.

Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Among other things, the Order calls for Greater Smoot Water and Sewer District to provide a public notification of violations of the SDWA. For your convenience, we have enclosed some template forms to assist you in providing the required public notice. If you have any questions or comments concerning the form of the public notice, please do not hesitate to contact Judy Binegar-Wilson of EPA, whose telephone number is provided below.



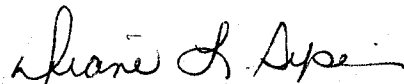
Printed on Recycled Paper

comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that your business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 20 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Judith Binegar-Wilson at the address on the letterhead with the mail code 8ENF-W, or call (800) 227-8917, extension 6606 or (303) 312-6606. If you wish to have an informal conference with EPA, you may also call or write Ms. Binegar-Wilson. If you are represented by an attorney, please feel free to ask your attorney to call Peggy Livingston, enforcement attorney, at the above 800 number, extension 6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

Order  
Public Notice template  
SBREFA

cc: WY DEQ (via e-mail)  
WY DOH (via e-mail)



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**OCT 28 2005**

Ref: ENF-W

Lincoln County Commissioners  
Lincoln County Courthouse  
925 Sage Avenue  
Kemmerer, WY 83101

Re: Notice of Safe Drinking Water Act  
Enforcement Action against Greater Smoot  
Water and Sewer District  
PWS ID# WY5601397

Dear County Commissioners:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order to a public water system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing an administrative compliance order to a public water system in your county.

An Administrative Order is being issued under Section 1414 of the SDWA to Greater Smoot Water and Sewer District, Smoot, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The System is in violation of the National Primary Drinking Water Regulations (NPDWRs) for lead and copper at 40 C.F.R. §§ 141.81(e), 141.86(c) and (d), 141.201, and 141.31(a) for failure to develop a treatment plan for corrosion control and to install optimum corrosion control treatment, failure to monitor for lead and copper, failure to notify the public of the violations, and failure to report violations to EPA.



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A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Judith Binegar-Wilson of my staff at (303) 312-6606.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2005 OCT 28 AM 8:03

IN THE MATTER OF )  
 )  
Greater Smoot Water and Sewer District )  
Smoot, Wyoming )  
 )  
Respondent )  
 )  
Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )  
\_\_\_\_\_ )

FILED  
EPA REGION VII  
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2006-0003

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Greater Smoot Water and Sewer District (Respondent) is a municipality as defined in Section 1401(10) of the Act, 42 U.S.C. § 300f (10), and is therefore a "person" within the meaning of Section 1401(12) of the Act, 42 U.S.C. § 1401(12), and 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Greater Smoot Water and Sewer District (the System), located in Smoot, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water

system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141, also known as the National Primary Drinking Water Regulations (NPDWRs).
5. According to an August 28, 2000 sanitary survey by an agent for EPA, the system is supplied by ground water and serves approximately 260 persons per day through 164 service connections.

#### FINDINGS OF VIOLATION

##### I

1. 40 C.F.R. § 141.81(e) requires community public water systems serving fewer than 3,300 persons that exceed the lead or copper action level defined in 40 C.F.R. § 141.80(c) to recommend treatment for corrosion control within six months of exceeding the lead or copper action level, and to install optimum corrosion control treatment within 24 months after EPA, for the state of Wyoming, designates such treatment.
2. Respondent has not recommended treatment for corrosion control after monitoring results exceeded the copper action level in September, 2002, has not

installed corrosion control treatment, and therefore, has been in continuous violation of 40 C.F.R. § 141.81(e) from March, 2003 to the present.

## II

1. According to 40 C.F.R § 141.86(c) and (d), public water systems serving a population of between 101 – 500 people must monitor for lead and copper during consecutive six-month monitoring periods, taking a total of ten samples during each sampling period.
2. Respondent took the following lead and copper samples: 5 samples each of lead and copper in October, 2003; 5 samples each of lead and copper in June, 2004; the required 10 samples each of lead and copper in August, 2004; and 5 samples each of lead and copper in June, 2005.
3. Respondent failed to collect the required ten samples for the 6-month periods ending December, 2003, June, 2004, and June, 2005.

## III

1. 40 C.F.R. § 141.201 requires owners and /or operators of public water systems to notify the public of any violations of the NPDWRs, including violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. part 141.
2. Respondent has not provided public notice of the violations detailed in the preceding Sections I and II in violation of 40 C.F.R. § 141.201.

IV

1. 40 C.F.R. § 141.31(a) requires public water systems to report any failure to comply with any NPDWR to EPA within the first ten days following the monitoring period.
2. Respondent failed to report to EPA instances of noncompliance detailed in Sections I and II, in violation of 40 C.F.R. § 141.31(a).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS

ORDERED:

1. Within 30 days of the date of this Order, and again between January 1 and June 30, 2006, and per the regulations thereafter, Respondent shall monitor the water for lead and copper as required to comply with the requirements as specified in the Safe Drinking Water Act and 40 C.F.R. part 141, subpart I (Control of Lead and copper). Respondent shall:
  - (a) Collect 10 samples that are first-draw, one-liter in volume, and have stood motionless in the plumbing system for at least 6 hours in accordance with 40 C.F.R. § 141.86(b) at sampling sites selected in accordance with 40 C.F.R. § 141.86(a);
  - (b) Have samples analyzed by an EPA-certified laboratory, in accordance with 40 C.F.R. § 141.89;

(c) Report the results of the tap water monitoring in accordance with 40 C.F.R. § 141.90 to EPA within 10 days of receiving the results, including:

- i. the location of each site and criteria under which the site was selected for the system's sampling pool;
- ii. certification that each first draw sample collected is one-liter in volume, and to the best of the certifying individual's knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least 6 hours;
- iii. where residents collected the samples, a certification that each tap sample collected by the residents was taken after the water system informed them of proper sampling procedures specified in 40 C.F.R. § 141.86(b)(2);
- iv. the 90<sup>th</sup> percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period calculated in accordance with 40 C.F.R. § 141.80 (c)(3).

2. If the monitoring results collected in either monitoring period required in paragraph 1 of this Order exceed the action level for lead or copper as set forth in 40 C.F.R. § 141.80(c), Respondent shall, within two weeks of exceeding the action level, comply with all the requirements for water quality parameter (WQP) monitoring and reporting as specified in 40 C.F.R. §§ 141.87, 141.89, and 141.90 and for source water

monitoring and reporting as specified in 40 C.F.R. §§ 141.88, 141.89, and 141.90.

Respondent shall report results to EPA within 10 days of receiving the results.

Respondent shall:

- (a) At one site, collect 2 tap samples that are representative of water quality throughout the distribution system in accordance with 40 C.F.R. § 141.87(a)(1)(i) and § 141.87(a)(2)(i). Respondent may collect WQPs at the same locations as those used for coliform sampling under 40 C.F.R. § 141.21.
- (b) Collect 2 samples for each applicable WQP at each entry point(s) to the distribution system that are representative of water quality throughout the distribution system in accordance with 40 C.F.R. § 141.87(a)(1)(ii). The applicable WQPs are specified in 40 C.F.R. § 141.87(b) and are:
  - i. pH
  - ii. alkalinity
  - iii. orthophosphate (when an inhibitor containing a phosphate compound is used)
  - iv. silica (when an inhibitor containing a silicate compound is used)
  - v. calcium
  - vi. conductivity, and
  - vii. water temperature

- (c) Collect one source water sample from each entry point to the distribution system, in accordance with 40 C.F.R. §§ 141.88(a) and (b).
  - (d) Have samples analyzed by an EPA-certified laboratory, in accordance with 40 C.F.R. § 141.89.
- 3. If the monitoring results collected in either monitoring period required in paragraph 1 of this Order exceed the action level for lead or copper as set forth in 40 C.F.R. § 141.80 (c), Respondent shall, within six weeks of exceeding the action level, provide optimal corrosion control and source water treatment recommendations to EPA. Within four months of obtaining EPA's approval of the treatment recommendations, Respondent shall have optimal corrosion control and, if applicable, source water treatment installed. Within one week of project completion, Respondent shall notify EPA in writing that the project is complete.
- 4. After installation of optimal corrosion control treatment as outlined in paragraph 3 above, Respondent shall collect 10 samples during each two consecutive 6-month monitoring period (January-June and July-December) immediately following treatment installation, in accordance with 40 C.F.R. part 141 subpart I and as outlined in paragraph 1, subparagraphs (a) through (c) above. Respondent shall report the results of the tap water monitoring to EPA for lead and copper within 10 days following the end of each monitoring period, in accordance with 40 C.F.R. § 141.90(a). Respondent must also continue WQP monitoring during these periods as follows: a) two samples must be collected at one site in the distribution system

during each 6-month monitoring period AND 2) one sample must be collected at each entry point to the distribution system every two weeks. Respondent shall submit monitoring results to EPA within 10 days of receiving the results.

5. If the System meets the lead and copper action levels during both monitoring periods in paragraph 4 above, the frequency and number of tap samples will be reduced and Respondent may discontinue WQP monitoring. If the System exceeds the lead or copper action levels during either monitoring period following treatment installation, EPA will, based upon the WQP results collected during the twelve month period in paragraph 4 above, establish WQP values the Respondent must meet in all subsequent monitoring periods to remain in compliance.
6. Within 30 days of the date of this Order, Respondent must comply with the public notice requirements set forth at 40 C.F.R. § 141.201 et seq. to return to compliance with 40 C.F.R §§ 141.201, 141.204, and 141.205. Specifically, Respondent must provide public notice of the lead and copper monitoring and treatment violations in accordance with 40 C.F.R. § 141.204. Public notice must be given by the following methods: (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; AND (2) any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice described above, such as publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others, posting in public

places served by the system or on the Internet, or delivery to community organizations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d). Respondent must also describe the 2005 violation in its 2005 Consumer Confidence Report.

7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.
8. Reporting requirements specified in this Order shall be provided by certified mail to:

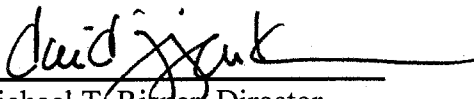
U.S. EPA, Region 8 (8P-W-MS)  
999 18<sup>th</sup> Street, Suite 300  
Denver, CO 80202-2466

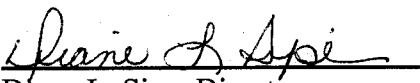
#### GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.

2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500, under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 28<sup>th</sup> day of October, 2005.

  
\_\_\_\_\_  
Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

  
\_\_\_\_\_  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**  
**Monitoring Requirements Not Met for Greater Smoot Water and Sewer District**

Our water system violated several drinking water standards over the past several years. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

*We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [compliance period] we or '**did not complete all monitoring or testing**' for lead and copper. Additionally, we did not install treatment for elevated copper levels in the distribution system and therefore cannot be sure of the quality of our drinking water during that time.*

**What should I do?**

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the last several years or actions we did not take, how often we are supposed to sample for these contaminants and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling or action frequency	Number of samples or actions taken	When all samples or actions should have been taken	When samples were or will be taken
Copper	Install corrosion control treatment to reduce copper levels	0	March 2003	
Lead and Copper	Every 6 months take 10 samples	Dec. 03 - 5 samples June 04 - 5 samples June 05 - 5 samples	Dec. 03-10 samples June 04-10 samples June 05-10 samples	

**What happened? What is being done?**

[Describe corrective action.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by [system]. State Water System ID#: \_\_\_\_\_. Date distributed: \_\_\_\_\_

## Instructions for Monitoring Violations Annual Notice--Template 3-1

### Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

### Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

### After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).



## Office of Enforcement and Compliance Assurance **INFORMATION SHEET**

### U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

#### **Hotlines, Helplines and Clearinghouses**

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

**The National Environmental Compliance Assistance Clearinghouse** provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:  
[www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse)

**Pollution Prevention Clearinghouse**  
[www.epa.gov/opptintr/library/ppindex.htm](http://www.epa.gov/opptintr/library/ppindex.htm)

**EPA's Small Business Ombudsman Hotline** provides regulatory and technical assistance information.  
(800) 368-5888

**Emergency Planning and Community Right-To-Know Act**  
(800) 424-9346

**National Response Center** (to report oil and hazardous substance spills)  
(800) 424-8802

**Toxics Substances and Asbestos Information**  
(202) 554-1404

**Safe Drinking Water**  
(800) 426-4791

**Stratospheric Ozone Refrigerants Information**  
(800) 296-1996

**Clean Air Technology Center**  
(919) 541-0800

**Wetlands Helpline**  
(800) 832-7828

#### **EPA Websites**

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

**EPA's Home Page**  
[www.epa.gov](http://www.epa.gov)

**Small Business Assistance Program**  
[www.epa.gov/ttn/sbap](http://www.epa.gov/ttn/sbap)

**Compliance Assistance Home Page**  
[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

**Office of Enforcement and Compliance Assurance**  
[www.epa.gov/compliance](http://www.epa.gov/compliance)

**Small Business Ombudsman**  
[www.epa.gov/sbo](http://www.epa.gov/sbo)

**Innovative Programs for Environmental Performance**  
[www.epa.gov/partners](http://www.epa.gov/partners)

